

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

IN RE: SERZONE PRODUCTS
LIABILITY LITIGATION

MDL NO. 1477 ✓

This Document Relates to:

JOHN PETER CALVERT,

Plaintiff,

v.

From the United States District
Court for the District of Maine
Civil Action No. SDWV 2:03-0043

BRISTOL-MYERS SQUIBB COMPANY,

Defendant.

AGREED ORDER OF DISMISSAL

On this day came the plaintiff, John Peter Calvert, by counsel, and came defendant, Bristol-Myers Squibb Company, by counsel, and represented to the Court that the plaintiff has agreed to voluntarily dismiss, without prejudice, Civil Action No. SDWV 2:03-0043 from the United States District Court for the District of Maine. Defendant has agreed to a dismissal of this civil action with the agreement from plaintiff that should plaintiff decide to re-file this civil action, said re-filing must be in the United States District Court for the District of Maine.

ENTERED

APR 29 2003

SAMUEL L. KAY, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

WHEREUPON, the plaintiff moved the Court for the entry of an order dismissing all claims, actions, and causes of actions asserted by plaintiff in the above-referenced civil action against the said defendant from the docket of the Court, without prejudice, and requests that the Court enter an Agreed Order reflecting the agreement between plaintiff and defendant regarding the re-filing of this matter, should that occur, in the United States District Court for the District of Maine.

Having heard the representations of counsel and hearing no objection thereto, said motion is hereby GRANTED and it is accordingly ADJUDGED, ORDERED, and DECREED that all claims, actions, and causes of action set forth in the above-styled civil action shall be, and the same hereby are dismissed, without prejudice, and it is further ORDERED, and this dismissal is granted upon the express condition, that if plaintiff were to re-file this matter, or any action raising the claims, issues and/or causes of action set forth in his Complaint herein, or any of them, at any time in the future, such filing must take place and jurisdiction will lie solely in the United States District Court for the District of Maine, where this action was originally filed.

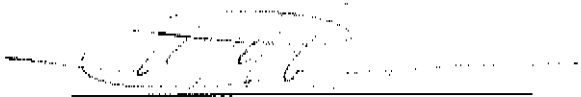
It is further ORDERED that the said plaintiff and defendant shall bear their own costs and expenses in and about the prosecution and defense of this action.

The Clerk is directed to forward a certified copy of this Agreed Order of Dismissal to all counsel of record herein.

Entered this 28 day of April, 2003.



Joseph R. Goodwin, Judge

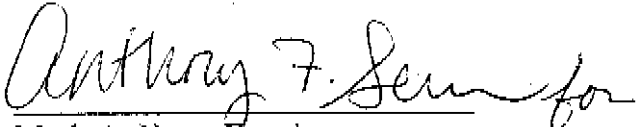
PRESENTED BY:


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*Liaison Counsel for Defendant
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A TRUE COPY CERTIFIED ON

APR 29 2003

SAMUEL L. KAY, CLERK
U.S. District & Bankruptcy Courts
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By  Deputy


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